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July 21, 2003

Via Facsimile (202) 208-3333

Ms. Mary Dove
Acting Commission Secretary
Federal Election Commission
999 E Street NW
Washington, D.C. 20463

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FEDERAL ELECTION
COMMISSION
SECRETARIAT
2003 JUL 21 P 2:03

Re: Draft Advisory Opinion 2003-17

Dear Ms. Dove:

We have received the Draft Advisory Opinion 2003-17, which is on the agenda of the Commission's July 24, 2003 meeting, and submit the following comment for consideration by the Commission and staff.

The Draft Advisory Opinion mandates the payment of \$29,471 restitution by Mr. Treffinger's campaign committee "within 30 days of receipt of the advisory opinion." (Draft Advisory Opinion, pages 10-11) Assuming the draft is approved at the Commission meeting of July 24th, this would make the restitution payment due at the end of August.

Mr. Treffinger is scheduled to be sentenced on September 10, 2003. At that time, the court will order restitution. Notwithstanding Mr. Treffinger's plea agreement with the prosecutor, the court may order restitution in the amount stated above, or it may order Mr. Treffinger to pay some amount either more or less. Until the court enters an Order setting forth Mr. Treffinger's obligation to make restitution, however, we cannot know the precise amount of restitution that Mr. Treffinger will be obliged to pay, and Mr. Treffinger has no legal obligation to make such payment before a restitution order is entered.

Therefore, we respectfully request that the Commission amend the Draft Advisory Opinion to state that Mr. Treffinger's campaign committee shall make restitution, as ordered by the court at sentencing in the criminal matter, within 30 days of the court Order directing the payment of restitution by Mr. Treffinger. (As set forth in the Draft

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Advisory Opinion (at page 11), this restitution payment will take priority over the payment of legal fees by the campaign committee.)

If you would like any additional information, please do not hesitate to contact me.

Thank you for your consideration.

Very truly yours,

KLINGEMAN TURANO LLC



KARIN S. RIECKER

cc: Office of General Counsel, FEC (by fax 202-219-3923)